

Application No. 10/563532
Reply to the Office Action dated 06/24/2008

REMARKS

This Amendment is in response to the Office Action mailed on June 24, 2008. Claims 6 and 7 are amended editorially. No new matter is added. Claims 2-9 and 20-21 are pending. Reconsideration and reexamination of the application, as amended, are requested.

§112, Second Paragraph:

Claims 5-8 are rejected as being indefinite. In particular, the rejection asserts claim 5 is indefinite as it is unclear what is meant by the phrase "second locking means". However, claim 21, from which claim 5 depends, recites a fixation device "with second means for locking said fixation device to one of said undercut sections of said cover". Moreover, the phrase "second locking means" is supported throughout the specification, such as for example, on page 2, line 21-page 3, line 6, page 3, line 30-page 5, line 5 and on page 4, lines 24-32. Withdrawal of this rejection is requested.

Claims 6 and 7 are rejected as there is no antecedent basis for the phrase "fixation devices". Claims 6 and 7 are amended editorially to replace the phrase "fixation devices are each" with the phrase "fixation device is". Withdrawal of this rejection is requested.

§102 Rejections:

Claims 20, 21, 2, 3 and 6 are rejected as being anticipated by Broermann (DE 20200509). This rejection is traversed.

The rejection asserts that the features of claims 20, 21, 2, 3 and 6 are disclosed in Figures 5 and 6 of Broermann. However, Broermann is filed with only three figures and does not disclose Figures 5 and 6 cited in the rejection. PCT application WO 03/060246, which claims priority to the Broermann reference, includes Figures 5 and 6 applied in the current rejection, but has an effective prior art date of July 24, 2003 for these figures.

The present application claims priority to DE Application No. 10328612.8 filed in the German Patent Office on June 25, 2003. Enclosed is a verified translation of the priority application. The earliest effective prior art date for Figures 5 and 6 of Broermann (WO 03/060246) is July 24, 2003, which is subsequent to the priority date of the present

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application. Withdrawal of WO 03/060246, and in particular Figures 5 and 6, as a prior art reference is requested. Accordingly, this rejection is now moot. Applicants do not concede the correctness of this rejection.

§103 Rejections:

Claims 4, 9 and 19 are rejected as being unpatentable over Broermann in view of Rathmann (US 2004/0126187). This rejection is traversed. Claims 4 and 9 depend from claim 21 and should be allowed for at least the same reasons described above. Claim 19 depends from claim 20 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claims 7 and 8 are rejected as being unpatentable over Broermann. This rejection is traversed. Claims 7 and 8 depend from claim 21 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Conclusion:

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. 29,165, at (612) 455-3802.



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Respectfully submitted,

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